



The UKCP Complaints and Conduct Process

Making a complaint

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About the Complaints and Conduct Process (CCP)

In December 2012 UKCP launched the Complaints and Conduct Process, allowing people to raise concerns about psychotherapists and psychotherapeutic counsellors who are, or have recently been on, UKCP's register. Therapists on our register are called our Registrants.

UKCP also offers an informal process for raising a concern about a therapist. The informal process is alternative dispute resolution (ADR).

Alternative dispute resolution

ADR is an informal process for resolving concerns or complaints. It offers the opportunity to resolve disputes in a fair and transparent way while avoiding the stress and emotional toll of a formal complaints process (where the Complaints and Conduct Process is not appropriate).

Please see our document on 'Alternative Dispute Resolution' for further information.

What does the Complaints and Conduct Process look at?

UKCP can consider behaviour that falls into the following categories under the Complaints and Conduct Process:

- a) Misconduct
- b) Professional incompetence
- c) Conviction or caution for a criminal offence
- d) Physical or mental health
- e) A decision by another body, regulator or employer (eg the British Association for Psychotherapists and Counsellors, the NHS, or the police).

These categories are expanded as specific clauses in UKCP's Ethical Principles and Code of Professional Conduct (UKCP Code of Ethics), which came into force on 26 September 2009. In assessing your complaint, the Case Manager will review the allegations and link them to potential breaches of the clauses in UKCP's Code of Ethics.

On occasion, the Case Manager may also take into account the Code of Ethics of the UKCP organisational member that also covers the Registrant's practise (for example, body psychotherapists may have specific guidelines on the use of 'touch' in therapy that may be relevant to your complaint).

Where a complaint is about behaviour alleged to have occurred before introduction of the UKCP's Code of Ethics, the Case Manager may apply any relevant documents that were in force at the time, such as the Code of Ethics of the organisation that trained or accredited the Registrant.

Who can make a complaint?

Anyone can make a complaint against a UKCP Registrant, if:

- (a) The Registrant is still on the register at the time the complaint is lodged with UKCP; and
- (b) Was a Registrant at the time the complained of behaviour occurred; and
- (c) The therapy or practice which is the basis of the complaint was located in the UK, or if not, the current insurance provision is from the UK.

If the therapist is no longer a registrant at the time the complaint is lodged then UKCP cannot deal with the complaint. However, we can hold the complaint on file and re-start the investigation at a later stage if the Registrant chooses to resume their membership with UKCP in the future.

If the therapist is not a registrant at the time the complained of behaviour occurred, it may be possible for UKCP to consider the complaint if it was in the public interest to do so. For example, an investigation into allegations of gross professional misconduct (such as a sexual relationship with a client) is likely to be considered in the public interest. The Case Manager will assess the allegations and determine whether it is reasonable for the complaint to proceed.

If the therapist resigns from the UKCP register after you lodge a complaint, the Complaints and Conduct Process can still continue. UKCP also reserves the right to notify and share information about the complaint with other organisations such as the British Association for Counsellors and Psychotherapists and British Psychoanalytic Council where it is necessary to do so.

Confidentiality

Our Registrants have a duty of confidentiality that exists even after a therapeutic relationship comes to an end. However, they are permitted to divulge confidential information to their supervisor, their organisational member, and professional indemnity insurers about the therapy/ the person making the complaint and the allegations if it is necessary to do so. The therapist should only disclose information that is necessary and relevant to the issues you raised in your complaint.

How do I make a complaint?

We can only act on complaints made in writing. In order for us to investigate, you need to complete a UKCP complaints form which you can download from our website. If you have difficulty filling in the form, you may ask a friend, carer or a relative to complete it on your behalf. In completing the complaints form, you give UKCP your permission for us to disclose the complaint to the Registrant.

Complaints should normally be made within three years of the conduct you want to complain about, or three years from when you became aware of it. If a complaint is received after this time period, the Case Manager will decide whether it would be reasonable and in the public interest to progress with the complaint.

It is important to include as much information and evidence with your complaint (for example: emails, text messages) as possible.

If the complaint does not come under the scope of UKCP's Complaints and Conduct Process we will let you know in writing that we cannot progress your complaint and close the case. It is not our practice to notify Registrants of complaints which do not fall within the Complaints and Conduct Process or where you do not give your consent to disclose your complaint.

The following organisations* may also be able to help you with the complaint form:

- **Mind**
0300 123 3393, www.mind.org.uk
- **Citizens Advice Bureau**
03444 77 20 200- Wales
03444 111 444 – England
- **POhWER**
0300 456 2370, www.pohwer.net
- **Rethink Mental Illness**
www.rethink.org, 0300 5000 927
- **seAp (Support Empower Advocate Promote)**
0330 440 9000, www.seap.org.uk
- **Voiceability**
01223 555800, www.voiceability.org
- **The Clinic for Boundaries Studies**
www.professionalboundaries.org.uk

When will the Registrant be informed about the complaint?

We will only notify the Registrant if we receive a completed complaints form which identifies them, and if the Case Manager decides that it raises a potential breach of the UKCP Code of Ethics.

The Registrant will be invited to respond to the complaint usually within 21 days of receiving the complaint. If you are still in therapy with the Registrant, they will no longer be able to see you as a client. We also ask both of you not to contact each other during the complaints procedure.

Can I make an anonymous complaint?

On rare occasions, we receive anonymous complaints about one of our Registrants. If we do, the Case Manager will assess whether the information received is independently verifiable or admitted by the Registrant. If it is, then the Case Manager or Professional Conduct Committee may decide to refer the matter before an Adjudication Panel.

Unfortunately, we can't consider a complaint if you insist that your anonymity be preserved. In most circumstances, the therapist will be able to identify you because of the nature and details of the complaint. UKCP also has to consider the principles of natural justice and must disclose to the Registrant all the details of the case against them.

What happens if the Registrant is subject to other proceedings or complaints procedures elsewhere?

If the Registrant is facing complaints or disciplinary proceedings by another organisation, regulator or employer, or is subject to legal action, the Case Manager may suspend consideration of a complaint under our Complaints and Conduct Process until those other proceedings have been completed.

*UKCP does not endorse or recommend any organisation. Any arrangements are a matter between the parties themselves.

When deciding whether to put our Complaints and Conduct Process on hold, the Case Manager will weigh your interests with those of the Registrant and the wider public before making a decision. This decision will be under review and you will be provided with reasonable notice before the complaint is considered or resumed.

Where a complaint has been considered and not upheld by another body, the Case Manager may decide not to consider a complaint under our Complaints and Conduct Process if it is based substantially on the same behaviour that has already been investigated elsewhere.

If the Registrant is subject to other procedures, the Case Manager may refer you to their relevant employer, organisation, or regulator. For example, a Registrant may have provided psychotherapy to a potential Complainant in a NHS setting, in which case the complaint may be dealt with more appropriately by the NHS. UKCP would then consider the findings of the NHS to determine whether we need to take any further action.

How does UKCP decide whether to refer a matter to an Adjudication Panel?

The 'realistic prospect' test

The 'realistic prospect' test is an objective screening process during which the Case Manager aims to establish whether the allegations are more likely than not to be true. He or she must consider whether the Complainant's evidence can be used and is reliable. They must also consider what the Registrant's defence may be and how that is likely to affect the case against them. If the case does not pass the realistic prospect test, it cannot go ahead.

When we receive a complaint and the Registrant has been invited to respond to it, the Case Manager will carry out a screening process. This involves assessing your complaint, the response of the Registrant, and any evidence that either party has put forward.

As the burden of proof remains on UKCP, the Case Manager will consider whether the allegations are more likely than not to be true. This is decided using the 'realistic prospect' test. If the realistic prospect test is met, the matter will be referred to an Adjudication Panel. The Case Manager must always seek the advice of the Professional Conduct Committee (which comprises lay and professional members) before announcing their decision on whether to refer a matter to an Adjudication Panel or not.

If the Case Manager feels unable to decide whether something should be referred to an Adjudication Panel, he or she must refer the decision to the Professional Conduct Committee who will then make the decision.

If the Case Manager decides that the realistic prospect test has not been met, you have the opportunity to re-submit the complaint once more with any additional evidence that you feel may satisfy the realistic prospect test. For example, you may have emails and text messages which are likely to prove that the behaviour you're complaining of occurred.

Where the Case Manager feels that the realistic prospect test has been met and the matter has been referred to an Adjudication Panel, you and the Registrant will be notified in writing. It is important to emphasise that the decision to refer to an Adjudication Panel does not indicate a final decision of guilt or wrong-doing. Rather the Case Manager has decided that matter needs to be adjudicated upon by an independent panel.

There is no appeal against a decision of the outcome of the screening process.

What happens at an Adjudication Panel hearing?

The Adjudication Panel will decide on the following matters:

- a) If the alleged behaviours set out by UKCP have been proven or admitted;
- b) Whether the proven or admitted behaviours breach UKCP's Ethical Principles and Code of Professional Conduct (or any other equivalent document);
- c) Whether those breaches suggest that the Registrant is not currently fit to remain on the UKCP register without any restrictions or conditions; and
- d) Which sanctions (if any) should be applied.

We will try to make sure that the hearing is held on a date that is convenient for you. Our hearings are held in central London and generally last one to two days. You will be informed of the date of the hearing at least six weeks before it is scheduled and will be offered the opportunity to attend if you wish.

The Adjudication Panel comprises three panel members: a lay Chair; one psychotherapist from the same modality as the Registrant; and another psychotherapist from a different modality. The Adjudication Panel will be supported by a Legal Assessor (a legally qualified person) to assist the Adjudication Panel with any procedural or legal matters and to ensure that the hearing is run smoothly.

UKCP hearings are normally held in public, which means that anyone can attend provided they have given UKCP sufficient notice of their attendance. If you feel that this may affect how you give evidence, you may ask UKCP to hold the hearing in private. However, this is ultimately a decision for the Adjudication Panel.

Giving evidence

Unless the Registrant accepts what you have set out in your complaint, it is likely that you will be asked to attend the Adjudication Panel hearing to give evidence. We understand that the idea of giving evidence against a Registrant may be intimidating or uncomfortable for you, however, it is important that you are able to provide your account to the Adjudication Panel in order for them to reach a decision which is fair and just.

If you are concerned about attending the hearing please get in touch with the Case Manager who will try and help you give your evidence with minimal discomfort. There are provisions within the Complaints and Conduct Process which allow UKCP to request special measures in certain circumstances. For example, we can ask the Adjudication Panel for evidence to be provided with the use of a screen, pre-recorded evidence or video links.

You can bring a friend to the hearing for support, however they will not be able to speak on your behalf.

Some tips on giving evidence:

- Speak clearly and slowly to ensure that everyone can hear you
- Try to answer the question that you have been asked
- Ask for clarification if there is anything that you do not understand. The amount of time you will be questioned will depend on how complicated the matter is
- The questions can sometimes be difficult and if you need a break at any time, please notify the Chair to take some time out from the hearing.

We will always try to ensure that hearings run to schedule. However, on some occasions there may be delays which cannot be avoided. In these instances we will organise a new hearing on the earliest possible date that is convenient for everyone involved.

The Adjudication Panel will ask everyone except the Legal Assessor to leave the hearing room when they are in the process of making a decision. They will then ask the parties to attend and announce the decision.

Equality and diversity statement

UKCP is committed to promoting equality, inclusion and diversity, and works to ensure that its processes are fair, transparent, objective and free from discrimination. UKCP expects that everyone who is acting for the UKCP uphold these values.

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